

Atty. Docket No.: CQ10191  
**PATENT APPLICATION**

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 09/987,420

**REMARKS**

Claims 1-31 are all the claims pending in the application. Claims 1, 6, 13, 14 and 28-31 are being amended.

**Claims 1-5, 14-18 and 28-30**

The Examiner has rejected claims 1-5, 14-18 and 28-30 under 35 U.S.C. 102(e) as being allegedly anticipated by Fiedorowicz et al. (U.S. patent No. 6,544,039). Applicants respectfully traverse this rejection in view of the amendments to the independent claims 1, 14 and 28 and further in view of the following arguments.

Specifically, Fiedorowicz et al. discloses a system for enhancing reading skills of a user. According to Fiedorowicz et al., first, the reading skills of the student are assessed in order to determine an appropriate training stream, see Fiedorowicz et al. at 4:5-7. The procedure for initial reading skill assessment is described at 4:1-21 of Fiedorowicz et al. In one embodiment of Fiedorowicz et al., the training stream is determined solely by the grade level of the student, see 4:7-10. In another, alternative, embodiment of Fiedorowicz et al. described at 4:15-21, the student's reading level is initially determined using Cloze reading level assessment test in conjunction with the student's grade level. In either case, the appropriate training stream is selected for the student based on the student's determined reading level.

After the training stream is selected, the system of Fiedorowicz et al. proceeds to the second phase, wherein the student is given an integrated program of phonemic awareness, reading subskills and reading comprehension exercises, see 4:40-45. As would be appreciated

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by the Examiner, Fiedorowicz et al. is different from the subject matter recited in claim 1 for at least several reasons.

First, during the initial reading skill assessment, Fiedorowicz et al. teaches determining overall reading skills and not the first word recognition level, as recited in claim 1. As the Examiner would undoubtedly appreciate, the overall reading skill determined in accordance with Fiedorowicz et al., is descriptive of the overall reading ability of the user, which includes pronunciation and overall language fluency. Therefore, it is not the same as the claimed word recognition level.

Second, assuming for the purpose of an argument only, that the training stream of Fiedorowicz et al. does involve displaying one or more words to the user, this training stream is selected in Fiedorowicz et al. in accordance with the aforementioned overall reading skill of the user, determined based on the student's grade and Cloze test results, and not in accordance with the first word recognition level as recited in claim 1. The fact that the words displayed to the user in the claimed system are selected based on the word recognition level and not based on the overall reading skills of the user, enables the inventive system to be more selective with the training materials provided to the user than the system of Fiedorowicz et al. This feature differentiates the claimed invention from Fiedorowicz et al.

Yet additionally, Fiedorowicz et al. fails to teach or suggest the claimed set of words classified by word recognition levels. In this regard, Applicants respectfully submit that the training streams of Fiedorowicz et al. are classified by overall reading skills of the user, determined based on the student's grade and Cloze test results, and not by word recognition

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levels, see Fiedorowicz et al. at 4:15-21. Therefore, the claimed invention is different from Fiedorowicz et al. in that the sets of words are classified based on the first word recognition level and not based on the overall reading skills.

Fiedorowicz et al. further fails to teach or suggest at least three additional elements of the amended claim 1, including: providing a comprehension aid to the user; determining word recognition errors based on user comprehension of the displayed words using the at least one comprehension aid; and determining a second word recognition level of the user based on the determined word recognition errors. Applicants respectfully call the Examiner's attention to the fact that Fiedorowicz et al. never mentions the claimed comprehension aid. In addition, while Fiedorowicz et al. does mention the training streams, Fiedorowicz et al. does not state that the aforesaid training streams include determining word recognition errors based on user comprehension of the displayed words using the at least one comprehension aid. In fact, the recited word recognition errors are not mentioned anywhere in Fiedorowicz et al.

In the Office Action, the Examiner alleges that the aforesaid word recognition levels are disclosed by Fiedorowicz et al. In support of this proposition, the Examiner cites Fiedorowicz et al. at 4:5-5:14. Applicants carefully examined the cited portion of Fiedorowicz et al., but could not find any such teaching. "[W]hen the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference." In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (citing In re Yates, 663 F.2d 1054, 211 USPQ 1149, 1151 (CCPA 1981)). The Examiner has failed to do so.

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Finally, Fiedorowicz et al. fails to teach or suggest determining the second word recognition level determined based on the word recognition errors. As recited in the independent claims, the second word recognition level is determined after the determination of the first word recognition level. On the other hand, while Fiedorowicz et al. mentions providing a student with a training stream, it does not teach or suggest that the training stream involves determining the second word recognition level based on the word recognition errors, see Fiedorowicz et al. at 4:40-48. Fiedorowicz et al. also mentions Cloze test, which involves judging the student's reading level based on the ability to correctly add missing words to a paragraph, 4:18-21. However, even if the aforesaid Cloze test involved "determining the second word recognition level based on the word recognition errors", the Cloze test is not performed in Fiedorowicz et al. after determining the first word recognition level, as required by the claim, 4:1-18. Therefore, the claimed feature of the invention involving determining the second word recognition level determined based on the word recognition errors is never taught or even suggested by Fiedorowicz et al.

For all the foregoing reasons, claim 1 is not anticipated by Fiedorowicz et al. Applicants further respectfully submit that all the above patentability arguments made with respect to claim 1, equally apply to claims 14 and 28-31 and that those claims are patentable over Fiedorowicz et al.

With respect to dependent claims 2-5, 15-18, Applicants further respectfully submit that Examiner's rejection of these claims is rendered moot by the present amendment of the parent

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claims 1 and 14 and that these claims are patentable by definition, by virtue of their dependence on the patentable independent claims 1 and 14.

Claims 6-12, 19-25, 27, 29 and 31

The Examiner rejected claims 6-12, 19-25, 27, 29 and 31 under 35 U.S.C. 103(a) as being allegedly unpatentable over Burstein et al. (U.S. patent No. 6,366,759 B1) in view of Fiedorowicz et al. Applicants respectfully traverse this rejection in view of Applicants' amendment to independent claims 6, 19, 29 and 31 and further in view of the following arguments.

In rejecting claim 6, the Examiner alleges that Burstein et al. teaches "determining first user reading level." In this regard, Applicant respectfully submits that Burstein et al. deals entirely with grading student's written essays and has nothing to do with determining the user's reading level, see Burstein et al., Abstract and 7:7-9. As would be appreciated by the Examiner, determining the user reading level is entirely different from grading user's written essay and, therefore, claim 6 is patentable over Burstein et al. and Fiedorowicz et al. Likewise, claim 19, which recites a controller for determining the user's reading level is also patentable over the aforesaid cited art.

Furthermore, Burstein et al. fails to teach or suggest a displaying to the user a grammatical tunable text summary. Contrary to the Examiner's assertion, the grammar checker variables of Burstein et al. are not the same as the claimed grammatical tunable text summary. The aforesaid variable are constructs for checking grammar of written text. On the other hand,

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the claimed grammatical tunable text summary is a summary of a text portion, which can be adjusted. Therefore, Burstein et al. is also deficient for failure to teach the aforesaid claim limitation.

Additionally, Fiedorowicz et al. fails to teach or suggest providing a comprehension aid to the user. While Fiedorowicz et al. mentions a training stream, it does not disclose that the training stream includes a comprehension aid, see Fiedorowicz et al. at 4:40-48. Finally, neither Fiedorowicz et al. nor Burstein et al. teach determining a further user reading levels based on the user comprehension and reading level. Therefore, for all the foregoing reasons, claim 6 is patentable over the cited combination of prior art.

For all the foregoing reasons, claim 6 is patentable over Burstein et al. and Fiedorowicz et al. Applicants further respectfully submit that all the above patentability arguments made with respect to claim 6, equally apply to claims 19, 27, 29 and 31 and that these claims are patentable over the prior art cited by the Examiner.

With respect to dependent claims 7-12 and 20-25, Applicants further respectfully submit that these claims are patentable by definition, by virtue of their dependence on the patentable independent claims 6 and 19.

#### Claims 13 and 26

The Examiner rejected claims 13 and 26 under 35 U.S.C. 103(a) as being allegedly unpatentable over Carlgren et al. (U.S. patent No. 4,456,973) in view of Burstein et al. (U.S. patent No. 6,366,759 B1) and further in view of Fiedorowicz et al. Applicants respectfully

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traverse this rejection in view of Applicants' amendments to claim 13 and further in view of the following arguments.

First, as it was stated hereinabove with reference to claim 1, during the initial reading skill assessment, Fiedorowicz et al. teaches determining overall reading skills and not the first word recognition level, as recited in claim 13. Second, also as stated above with respect to claim 1, the training stream is selected in Fiedorowicz et al. in accordance with the aforementioned overall reading skill of the user, determined based on the student's grade and Cloze test results, and not in accordance with the first word recognition level as recited in claim 13. Additionally, Fiedorowicz et al. fails to teach or suggest the claimed set of words classified by word recognition levels. Fiedorowicz et al. further fails to teach or suggest at least three additional elements of the amended claim 13, including: providing a comprehension aid to the user; determining word recognition errors based on user comprehension of the displayed words using the at least one comprehension aid; and determining a second word recognition level of the user based on the determined word recognition errors. The other two references cited by the Examiner, Carlgren et al. and Burstein et al. do not remedy the above deficiencies of Fiedorowicz et al.

In rejecting claim 13, the Examiner alleges that Burstein et al. teaches "determining first user reading level." In this regard, Applicants respectfully submit that, as was stated above with reference to claim 6, Burstein et al. deals entirely with grading student's written essays and has nothing to do with determining the user's reading level, see Burstein et al., Abstract and 7:7-9. As would be appreciated by the Examiner, determining the user reading level is entirely different

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from grading user's written essay and, therefore, claim 13 is patentable over Burstein et al.,  
Carlgren et al. and Fiedorowicz et al.

Furthermore, Burstein et al. fails to teach or suggest a displaying to the user a grammatical tunable text summary. Contrary to the Examiner's assertion, the grammar checker variables of Burstein et al. are not the same as the claimed grammatical tunable text summary. The aforesaid variable are constructs for checking grammar of written text. On the other hand, the claimed grammatical tunable text summary is a summary of a text portion, which can be adjusted. Therefore, Burstein et al. is also deficient for failure to teach the aforesaid claim limitation. Therefore, for all the foregoing reasons, claim 13 is patentable over the cited combination of prior art.

Applicants further respectfully submit that the above patentability arguments made with respect to claim 13, equally apply to claim 26 and that this claim is also patentable over Carlgren et al., Burstein et al. and Fiedorowicz et al.

#### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

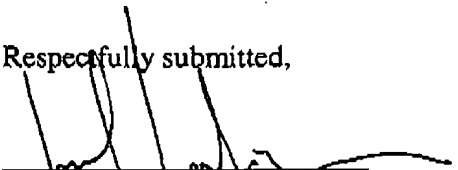


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Respectfully submitted,

  
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MOUNTAIN VIEW OFFICE

**23493**

CUSTOMER NUMBER

Date: June 27, 2006

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this AMENDMENT UNDER 37 C.F.R. § 1.111 is being facsimile transmitted to the U.S. Patent and Trademark Office this 27th day of June, 2006.



Mariann Tam